

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**May 17, 2004**

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Morrison, Associate Justice; Butz, Associate Justice; and Guzman, bailiff.

**C040840      BANNING v. NEWDOW**

**C042384**      Cause called. Jay-Allen Eisen argued for appellant. Michael Newdow argued In Pro Per as respondent and submitted additional citations. Cause submitted

At 10:14 a.m., the court recessed until 9:30 a.m., Tuesday, May 18, 2004.

**C043593      THE PEOPLE v. ANDERSON      (Not for Publication)**

The judgment is modified... The court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed.

NICHOLSON, Acting P.J.

We concur:    Raye, J.  
                    Hull, J.

**C041868      In re VICTOR H.; THE PEOPLE v. VICTOR H.**

BY THE COURT:

Appellant's petition for rehearing is denied.

NICHOLSON, Acting P.J.

**May 18, 2004**

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Raye, Associate Justice; Hull, Associate Justice and Rios, bailiff.

**C042165      THE PEOPLE v. TAYLOR**

Cause called. Scott Concklin, court appointed counsel, argued for appellant. Jesse Witt, Deputy Attorney General, argued for respondent and submitted additional citations. Cause submitted.

At 10:00 a.m., the court recessed. At 10:05 a.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Butz, Associate Justice.

**C041330      THE PEOPLE v. GEE**

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Angelo S. Edralin, Deputy Attorney General, argued for respondent. Cause submitted.

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**May 18, 2004, continued**

At 10:40 a.m., the court recessed. At 10:44 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

**C044082      HANSEN et al. v. ONE BEACON INSURANCE GROUP et al.**

Cause called. Roberta Franklin argued for appellants. Ellyn E. Nesbit argued for respondents. Cause submitted.

At 11:28 a.m., the court recessed. At 11:31 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

**C044775      MERRITT (REZNICK) v. REZNICK**

Cause called. Katherine Codekas argued for appellant. Christopher Peterson argued for respondent. Cause submitted.

**C044877      KILROY et al. v. CALIFORNIA HIGHWAY PATROL**

Cause called. R. Ellis Harper argued for appellants. Scott H. Wyckoff, Deputy Attorney General, argued for respondents. Cause submitted.

At 12:24 p.m., the court recessed until 9:30 a.m., Wednesday, May 19, 2004.

**C042449      THE PEOPLE v. BUENAVIDA-ARROY      (Not for Publication)**

The judgment is modified... As so modified, the judgment is affirmed.

The superior court shall prepare an amended abstract and forward it to the Department of Corrections.

MORRISON, J.

We concur:    Blease, Acting P.J.  
                 Raye, J.

**C042584      THE PEOPLE v. RUNQUIST      (Not for Publication)**

The judgment is affirmed.

MORRISON, J.

We concur:    Scotland, P.J.  
                 Raye, J.

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**May 19, 2004**

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Raye, Associate Justice; and Guzman, bailiff.

**C044046      SINATRA v. CHICO UNIFIED SCHOOL DISTRICT et al.**

Cause called. Larry L. Baumbach argued for appellant. John P. Kelley argued for respondents. Cause submitted.

At 9:49 a.m., the court recessed. At 9:52 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

**C039036      REYES v. DEPARTMENT OF HEALTH SERVICES**

Cause called. Gaspar R. Garcia, II argued for appellant. Kathryn Allen, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:00 a.m., the court recessed until 9:30 a.m., Thursday, May 20, 2004.

**C045500      In re ROBERT B.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. THELMA P.                      (Not for Publication)**

The order denying appellant visitation is affirmed.

Let a peremptory writ of mandate issue directing the Juvenile Department of the Superior Court to comply with the notice provisions of the ICWA.

BUTZ, J.

We concur: Davis, Acting P.J.

Robie, J.

**C042106      THE PEOPLE v. McNEAL**

BY THE COURT:

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

**May 20, 2004**

**C041799      THE PEOPLE v. KALCHIK                      (Not for Publication)**

The trial court is directed to amend its records to reflect that the dismissal of count II was at the prosecutor's request and in conformity with *People v. Fields, supra* 13 Cal. 4th 289. The judgment is affirmed.

BLEASE, Acting P.J.

We concur: Raye, J.

Robie, J.

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**May 20, 2004, continued**

- C042071      THE PEOPLE v. ZAVALA      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We concur:    Blease, Acting P.J.  
Raye, J.
- C043996      THE PEOPLE v. ESPEJO      (Not for Publication)**  
The appeal is dismissed.  
BLEASE, Acting P.J.  
We concur:    Davis, J.  
Robie, J.
- C044288      THE PEOPLE v. BOUTSALATH      (Not for Publication)**  
The judgment is affirmed, and the matter is remanded for referral in accordance with the views expressed herein.  
DAVIS, Acting P.J.  
We concur:    Robie, J.  
Butz, J.
- C042862      In re J.P.; PLACER COUNTY DEPARMENT OF HEALTH AND HUMAN SERVICES v. L.P.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
SCOTLAND, P.J.  
We concur:    Nicholson, J.  
Robie, J.
- C042077      ELISA MARIA B. v. THE SUPERIOR COURT OF EL DORADO COUNTY and EMILY B. et al.      (Certified for Publcation)**  
Let a peremptory writ of mandate issue, directing the trial court to vacate its order and to enter a new order in favor of Elisa. Having served their purposes, the alternative writ is discharged, and the stay previously issued by this court is vacated upon the finality of this opinion. The parties shall bear their own costs in this original proceeding. (Cal. Rules of Court, rules 56.4(a).)  
SCOTLAND, P.J.  
We concur:    Sims, J.  
Hull, J.

**May 21, 2004**

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Butz, Associate Justice; and Rios, bailiff.

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**The Minutes**

**May 21, 2004, continued**

**C043040      BARDIS et al. v. OATES et al.**

Cause called. Jerome B. Falk argued and Rhonda C. Canby and Long X. Do appeared only for appellants. Edward Friedberg argued for respondents. Cause submitted.

At 9:33 a.m., the court recessed. At 10:08 a.m., the court reconvened.

**C040040      BROOKS v. STEARNS**

Cause called. Sharon Claire Brooks argued In Pro Per as appellant. Timothy H. Stearns argued In Pro Per as respondent. Cause submitted.

At 10:42 a.m., the court recessed until 9:30 a.m., Monday, May 24, 2004.

**C043596      THE PEOPLE v. KOVERMAN**

**(Not for Publication)**

The judgment is affirmed.

RAYE, J.

We concur:    Blease, Acting P.J.  
Morrison, J.

**C043098      RICCI, JR. v. RALLS et al.  
NOPP v. SLAYTON et al.**

**(Not for Publication)**

The judgment is affirmed.

RAYE, J.

We concur:    Scotland, P.J.  
Sims, J.